

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

THE EUCLID CHEMICAL COMPANY,)	CASE NO.1:05CV080
)	
Plaintiff,)	JUDGE CHRISTOPHER A. BOYKO
)	
Vs.)	
)	
VECTOR CORROSION)	ORDER
TECHNOLOGIES, INC. ET AL.,)	
)	
Defendant.)	

CHRISTOPHER A. BOYKO, J:

This matter is before the Court on Defendants Vector Corrosion Technologies, Inc., and David Whitmore's Motion to Dismiss All Parties Claims Relating to the 346 Patent (ECF #134), and Defendants' Motion to Dismiss Defendants' Counterclaims Regarding Infringement of the 742 Patent (ECF#137).

Pursuant to the Stipulation and Order of July 3, 2007 (ECF#81) Count II of Defendants' Counterclaims regarding the 800 patent are dismissed with prejudice. Pursuant to Defendants' Motion to Dismiss (ECF #134) Defendants' Counterclaim at Count II regarding the 346 patent are dismissed with prejudice. Also, by consent of Defendants in their Reply in Support of Dismissal (ECF# 146), Defendants covenant not to sue for infringement of the 346 patent extends to customers of Euclid.

Counts Four and Five of Plaintiff's Complaint are rendered moot due to the foregoing Stipulations and Dismissals. The Court denies Defendants' Motion to Dismiss, without

prejudice, its counterclaims and Plaintiff's claims regarding the 742 patent. The Court will address the remaining claims and counterclaims regarding the 742 patent in a separate opinion.

Therefore, Count II of Defendants' Counterclaims is dismissed with prejudice insofar as they implicate the 346 and 800 patents. The Court dismisses without prejudice as moot Counts IV and V of Plaintiff' Complaint.

IT IS SO ORDERED.

December 10, 2007

Date

s/Christopher A. Boyko

CHRISTOPHER A. BOYKO

United States District Judge